

Exhibit E

STATE ENVIRONMENTAL POLICY ACT (SEPA) PROCEDURES

010 Purpose

The purposes of these procedures are:

- (1)
To promote efforts that will prevent or eliminate damage to the environment and biosphere;
- (2) To enrich the understanding of ecological systems and natural resources that are important to the City of Redmond, the State of Washington, and the nation;
- (3) To implement the provisions of Chapter 43.21C RCW, the State Environmental Policy Act, and Chapter 197-11 WAC, SEPA Rules;
- (4) To provide environmental information to City decision-makers;
- (5) To promote certainty with respect to the requirements of SEPA and to integrate SEPA procedures with decision-making.

020 Scope.

- (1) The City of Redmond hereby establishes these procedures to implement the State Environmental Policy Act, herein referred to as “SEPA”, Chapter 43.21C RCW, consistent with those rules under Chapter 197-11 WAC. SEPA is intended to ensure that environmental values are considered and is designed to work with other regulations to provide a comprehensive review of a project.
- (2) The procedures are promulgated under WAC 197-11-020(1), which states: “Each agency must have its own SEPA procedures consistent with” Chapter 197-11 WAC and Chapter 43.21C RCW. Consistent with WAC 197-11-020(3), these provisions, Chapter 197-11 WAC, and Chapter 43.21C RCW must be read together as a whole to comply with the spirit and letter of the law.

030 Policy.

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The City of Redmond adopts WAC 197-11-030, as now existing or hereinafter amended, by reference, subject to the following:

- (1) Under WAC 197-11-030(1) and (2), the terms “agency” and “agencies” shall include the City of Redmond and its respective departments.
- (2) Under WAC 197-11-030(2)(a), the text is revised to read:

Interpret and administer the policies, regulations, and laws of the State of Washington and applicable ordinances and resolutions of the City of Redmond in accordance with the policies set forth in RCW 43.21C and WAC 197-11.

040 Definitions.

Terms defined under Chapter 20A.20 RCDG shall apply to this chapter, subject to the following:

- (1) Terms Undefined by Chapter 20A.20 RCDG. Where Chapter 20A.20 RCDG does not define terms, the City of Redmond adopts those definitions under WAC 197-11-040, 197-11-220, and 197-11-700 through 197-11-799, as existing and as hereafter amended.
- (2) Resolving conflicts between Chapter 20A.20 RCDG and SEPA Definitions. Where a conflict exists between those terms under RCDG 20A.20 and WAC 197-11-040 and 197-11-700 through 197-11-799, the definition that is more protective of the environment shall apply.

050 Forms.

- (1) The City adopts the following forms and sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC

197-11-960	Environment checklist
197-11-965	Adoption notice
197-11-970	Determination of nonsignificance (DNS)
197-11-980	Determination of significance and scoping notice (DS)
197-11-985	Notice of assumption of lead agency status
197-11-990	Notice of action

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- (2) The Responsible Official may make additions to or otherwise modify the forms adopted in subsection (1) as long as the resulting forms are substantially the same as those set forth in the adopted WAC sections.

060 Lead Agency.

The City of Redmond adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

- (1) WAC 197-11-050;
- (2) WAC 197-11-922 through 197-11-948.

070 Responsible Official.

For those proposals for which the City is a lead agency, the responsible official shall be the City of Redmond Technical Committee as defined in RCDG 20F.50.25, Technical Committee. For all proposals for which the City is a lead agency, the Technical Committee shall make the threshold determination, supervise scoping and preparation of any required EIS and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that have been adopted by reference.

080 Purpose and General Requirements.

The City of Redmond adopts WAC 197-11-055 through 197-11-100, as now existing or hereinafter amended, by reference, subject to the following:

- (1) Analyzing Similar Actions in a Single Document. The City adopts the optional provision of WAC 197-11-060(3)(c).
- (2) Time Guidelines. Under 197-11-055(2)(b), the responsible official will make a threshold determination within 90 days of determining that a completed application has been submitted, consistent with WAC 197-11-055(2)(d), subject to:
 - (a) The calculation of the number of days in subsection (2)(b) of this section shall not include those days between the mailing of any request for additional information and re-submittal.
 - (b) The responsible official shall not make a threshold determination when there is not adequate information to make a threshold determination within 90 days. When there is not adequate information to make a determination at the end of 90 days, the responsible official shall notify the applicant in writing regarding the information required to make a threshold determination.

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- (3) Content of SEPA Checklist – Responsibility. The applicant shall prepare the initial environmental checklist, unless the responsible official specifically elects to prepare the checklist. The responsible official shall make a reasonable effort to verify the information in the checklist and supporting documentation and shall have the authority to determine the final content of the checklist.
- (4) Additional Information for SEPA Checklist – Timelines. The responsible official may set reasonable deadlines for the submittal of information, studies, or documents that are necessary for, or subsequent to, threshold determinations. Unless an extension is requested in writing and approved, failure to meet such deadlines shall cause the application to be deemed withdrawn.

090 Categorical Exemptions, Threshold Determinations, and Enforcement of Mitigating Measures.

The City of Redmond adopts WAC 197-11-300 through 197-11-390, WAC 197-11-800 through 197-11-890, and WAC 197-11-908 as now existing or hereinafter amended, by reference, subject to the following:

- (1) Establishment of Thresholds for Categorically Exempt Actions. The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b):
 - (a) The construction or location of any residential structures of 20 or fewer dwelling units;
 - (b) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 30,000 square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;
 - (c) The construction of an office, school, commercial recreational, service or storage building with 12,000 square feet or less of gross floor area, and with associated parking facilities designed for 40 or fewer automobiles;
 - (d) The construction of a parking lot designed for 40 or fewer automobiles;
 - (e) Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder; provided, that the categorical exemption threshold shall be 100 cubic yards for any fill or excavation that is in a critical area

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- (2) Critical Areas. The Shoreline Environments Map and the Critical Areas Maps adopted pursuant to RCDG 20D.140 designate the location of critical areas within the City and are adopted by reference. For each critical area, the exemptions within WAC 197-11-800 that are inapplicable for the area are (1), (2)(d), (2)(e), (6)(a), (23)(a) through (g), and (24)(e),(g), and (h). All other exemptions shall continue to apply within environmentally critical areas of the City.
 - (a) Lands Covered by Water. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.
 - (b) Treatment. The City shall treat proposals located wholly or partially within a critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The City shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally critical area.
- (3) Responsibility for Determination of Categorical Exempt Status. The determination of whether a proposal is categorically exempt shall be made by the responsible official.
- (4) Mitigation Measures. Modifications to a SEPA checklist or other environmental documentation that result in substantive mitigating measures being required shall follow one of the following processes:
 - (a) The responsible official may notify the applicant of the requested modifications to the proposal and identify the concerns regarding unmitigated impacts. The applicant may elect to revise or modify the environmental checklist, application, or supporting documentation. The modifications may include different mitigation measures than those requested by the responsible official; however, acceptance of the proposed measures is subject to subsequent review and approval by that body.
 - (b) The responsible official may make a mitigated determination of nonsignificance (MDNS), identifying mitigating measures. The MDNS may be appealed by the applicant pursuant to Section 180 of this chapter.
 - (c) The responsible official may identify mitigating measures in a letter and mail that letter to the applicant. In writing, the applicant may acknowledge acceptance of these measures as mitigating conditions. The acknowledgement shall be incorporated into the application packet as supporting environmental documentation or as an addendum to the environmental checklist.
- (5) Enforcing Mitigation Measures. Pursuant to WAC 197-11-350(7), the City hereby adopts the following procedures for the enforcement of mitigation measures:

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- (a) Incorporation of Representations Made by Applicant into MDNS or DNS and Approval. Representations made in the environmental checklist and supporting documentation shall be considered as the foundation of any decision or recommendation of approval of the action. As such, the responsible official relies on this documentation in making a decision on a proposal. Unless specifically revised by the responsible official or applicant, those statements, representations, and mitigating measures contained in the environmental checklist, application, supporting documentation, EIS and MDNS shall be considered material conditions of any approval. Mitigating measures shall only be included on an MDNS under the following circumstances:
 - (i) When the Redmond Community Development Guide does not provide adequate regulations to mitigate for an identified impact,

AND, when any one of the following circumstances or combination of circumstances exists:
 - (ii) When such conditions are not specifically written in the environmental checklist, application, or supporting information,

OR
 - (iii) When the responsible official determines that the proposed conditions or representations contained within that information do not adequately address impacts from a proposal.
- (b) Modifications to a Proposal – Responsible Official May Withdraw Threshold Determination. If, at anytime, the proposal or proposed mitigation measures are substantially changed, or if proposed mitigation measures are withdrawn, then the responsible official shall review the threshold determination and, if necessary, may withdraw the threshold determination and issue a revised determination, including a determination of significance (DS), as deemed appropriate.
- (c) Enforcement of Mitigation Measures. Mitigation measures imposed as conditions of approval are enforceable through the enforcement provisions that regulate the proposal.

100 Planned Actions Generally.

The City of Redmond adopts WAC 197-11-164 through 197-11-172, as now existing or hereinafter amended, by reference. Planned actions shall be adopted by ordinance or resolution following the process established under RCDG 20F.30.50, Type V review.

110 Overlake SEPA Planned Action.

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- (1) Purpose. The purpose of the Overlake SEPA planned action is to make efficient use of the significant investments of time and money by the public, neighborhood residents, businesses, property owners, and the City of Redmond in preparing the Overlake Neighborhood Plan and Implementation Project, and to make development review in the Overlake neighborhood more timely, cost-effective, and predictable.
- (2) Authority. The Washington State Environmental Policy Act (SEPA) provides that where an environmental impact statement on a neighborhood plan has adequately addressed the significant environmental effects of a project, that environmental impact statement may be used as the SEPA analysis for that project. If a project complies with the requirements of this section, the environmental impact statement prepared for the Overlake Neighborhood Plan Update and Implementation Project may be used as the environmental review document for that project and no further environmental review is required.
- (3) Requirements for Coverage under the Overlake SEPA Planned Action. To be covered by this SEPA planned action, a proposed project shall comply with all of the following requirements:
 - (a) The project shall be located on land within the Overlake Neighborhood and zoned Overlake Business and Advanced Technology (OBAT), Overlake Village District (OV), or Overlake Design District (ODD).
 - (b) The project shall consist of building(s), and on-site and off-site improvements to support the building(s) that will be occupied by uses that are allowed by the Overlake Business and Advanced Technology (OBAT), Overlake Village District (OV) or Overlake Design District (ODD) zones.
 - (c) For nonresidential projects and the nonresidential component of mixed-use projects, the proposed project together with the projects already approved as planned actions shall not exceed 4.5 million square feet of gross floor area within the Overlake Neighborhood, beginning on October 31, 2009.
 - (d) For residential projects and the residential component of mixed-use projects, the project and the projects already approved as planned actions shall not exceed 5,494 housing units, beginning on October 31, 2009.
 - (e) The project shall comply with the floor area ratios (FARs), inclusive of allowable TDRs, and density limits set by the Overlake Business and Advanced Technology (OBAT) zone, the Overlake Village District (OV) zone, or the Overlake Design District (ODD).
 - (f) The application for coverage under the Overlake SEPA planned action must be submitted by June 1, 2030. If the application is approved, the project must vest under the statutes and case law of the State of Washington by December 31, 2030, or the approval shall expire.

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- (g) The project shall not be an essential public facility. Essential public facilities shall not be covered by the Overlake SEPA planned action.
- (4) Required Mitigating Measures. A proposed project that is covered by the Overlake SEPA planned action shall comply with all of the following:
 - (a) The City of Redmond Comprehensive Plan and the Overlake Neighborhood Plan.
 - (b) All applicable development regulations.
 - (c) If the Technical Committee determines that the traffic generated by the project will require the construction or modification of the transportation facilities of another local government, the State of Washington, or the United States, the project shall provide the mitigation to that government required by the Technical Committee.
 - (d) The proposed project shall provide all off-site and on-site public facilities that the Technical Committee determines are necessary to serve the project including, but not limited to, water facilities, wastewater facilities, storm water facilities, transportation facilities, fire protection facilities, police facilities, and park and recreation facilities.
- (5) Determining if a Project is Covered by the Overlake SEPA planned action.
 - (a) An applicant seeking coverage under the Overlake SEPA planned action shall complete a SEPA environmental checklist and submit the checklist to the Administrator together with any fee for a planned action coverage determination set by the City of Redmond City Council. The applicant shall note on the checklist that he or she is requesting an Overlake planned action coverage determination. If the Administrator has prepared a SEPA environmental checklist specific to the Overlake SEPA planned action, that checklist shall be used.
 - (b) To be covered by the Overlake SEPA planned action, the project shall comply with all of the following criteria:
 - (i) The project complies with all of the requirements for coverage under the Overlake SEPA planned action in subsection (2) of this section, Overlake SEPA planned action.
 - (ii) The draft and final environmental impact statement and integrated SEPA/GMA documents for the Overlake Neighborhood Plan Update and Implementation Project adequately addressed the project's significant adverse impacts.

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- (iii) The project is a subsequent or implementing project for the proposals analyzed in the draft and final environmental impact statement and integrated SEPA/GMA documents for the Overlake Neighborhood Plan Update and Implementation Project.
 - (iv) The project is consistent with the City of Redmond Comprehensive Plan and the Overlake Neighborhood Plan, both of which have been adopted under the Growth Management Act.
 - (v) The project shall implement the required mitigating measures in subsection (4) of this section, Overlake SEPA planned action.
 - (c) If the Administrator determines the Overlake SEPA planned action covers the project, a project threshold determination or environmental impact statement shall not be required.
 - (d) If the Administrator determines the Overlake SEPA planned action does not cover the project, a project threshold determination is required. In conducting the additional SEPA environmental review, the lead agency may use information and analysis in the draft and final environmental impact statement and integrated SEPA/GMA documents for the Overlake Neighborhood Plan Update and Implementation Project and other documents prepared as part of these planning processes.
 - (e) The Administrator's determination that a project is or is not covered by the Overlake SEPA planned action is final and may not be appealed
 - (f) If public notice is required for the project, the notice shall state the project is covered by the Overlake SEPA planned action.
- (6) Monitoring the SEPA Planned Action.
- (a) Each year, the Administrator shall monitor the amount and type of development in the Overlake Neighborhood, the amount and type of development covered under the Overlake SEPA planned action, and the construction of the transportation facilities provided for in the Overlake Neighborhood Plan Update and Implementation Project. These monitoring efforts shall be integrated with the Overlake Neighborhood Plan Update and Implementation Project monitoring activities.
 - (b) Based on these monitoring efforts, the Administrator shall consider whether the Overlake SEPA planned action should be updated or modified at least once every five years. This review should take place during the five-year evaluation of the Overlake Neighborhood Plan called for by the Redmond Comprehensive Plan. It may also take place more frequently. If the Administrator determines an update or modification is needed, the Administrator shall begin the process of conducting

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the update or modification or request funds to do so through the City's budgeting process.

120 Environmental Impact Statements and Other Environmental Documents.

The City of Redmond adopts WAC 197-11-400 through 197-11-460 and 197-11-600 through 197-11-640, as now existing or hereinafter amended, by reference, subject to the following:

- (1) Pursuant to WAC 197-11-408(2)(a), all comments on a DS and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).
- (2) Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the responsible official shall be responsible for preparation and content of an EIS and other environmental documents. The responsible official shall contract with consultants, as necessary, for the preparation of environmental documents and EISs. The responsible official may consider the opinion of the applicant regarding the qualifications of the consultant, but the responsible official shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.
- (3) Consultants or sub-consultants contracted by the City to prepare environmental documents for a private development proposal:
 - (a) Shall not act as agents for the applicant in preparation or acquisition of associated underlying permits or actions;
 - (b) Shall not have a financial interest in the proposal for which the environmental documents are being prepared; and
 - (c) Shall not perform any work nor provide any services for the applicant in connection with or related to the proposal.
- (4) The City may use Addenda and Supplemental EISs to fulfill its environmental responsibilities as provided in WAC 197-11-600, 197-11-620, and 197-11-625. An addendum adds analyses or information about a proposal to an existing environmental document, but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document. An SEIS is prepared if there are: (a) substantial changes to a proposal so that the proposal is likely to have significant adverse impacts not adequately disclosed or discussed in the existing EIS, or (b) new information which indicates that a proposal will have probable significant adverse environmental impacts not adequately disclosed or discussed in the existing EIS.

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130 Comments and Public Notice.

The City of Redmond adopts WAC 197-11-500 through 197-11-570, as now existing or hereinafter amended, by reference, subject to the following:

- (1) Official comments shall be submitted in writing to the contact person on the threshold determination within the comment periods established by this chapter and the regulations adopted herein. Electronic comments that are e-mailed to the contact person on the threshold determination may be accepted as official comments provided a standard mailing address is submitted.
- (2) If required, public notice shall comply with the requirements for the underlying permit as specified in Chapter ____ RCDG of the Zoning Code.
- (3) The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure.

140 Use of Existing Environmental Documents.

The City of Redmond will use existing environmental documents in the manner provided by WAC 197-11-600 through 197-11-640.

150 Substantive Authority.

- (1) As its basis for exercising substantive authority under SEPA, the City of Redmond adopts WAC 197-11-650 through 197-11-660, WAC 197-11-900 through 197-11-906, and WAC 197-11-158, as now existing or hereinafter amended, by reference. Substantive authority is the regulatory authority under SEPA to condition or deny a proposal in order to mitigate or avoid environmental impacts clearly identified in environmental documents.
- (2) For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules, regulations, and all amendments thereto, are designated as potential bases for the exercise of the City's substantive authority under SEPA, subject to the provisions of RCW 43.21C.240:
 - (a) Chapter 43.21C RCW, State Environmental Policy Act;
 - (b) Six-Year Transportation Improvement Program;

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- (c) RMC Title 6, Health and Sanitation;
- (d) RMC Title 7, Animals;
- (e) RMC Title 10, Vehicles and Traffic;
- (f) RMC Title 12, Streets and Sidewalks;
- (g) RMC Title 13, Water and Sewers;
- (h) RMC Title 15, Buildings and Construction;
- (i) RMC Title 20, Community Development Guide;
- (j) The City of Redmond Comprehensive Plan;
- (k) The City of Redmond Parks, Arts, Recreation, Culture and Conservation (PARCC) Plan;
- (l) The City of Redmond Water System Plan;
- (m) The City of Redmond General Sewer Plan;
- (n) Natural Resources Capital Improvement Plan
- (o) Regional Stormwater Facilities Plan
- (p) Comprehensive Flood Hazard Management Plan
- (q) The City of Redmond Transportation Master Plan; and
- (r) The City of Redmond Fire Service Master Plan.

160 SEPA/GMA Integration.

The City of Redmond adopts WAC 197-11-210 through 197-11-235, as now existing or hereinafter amended, by reference.

170 Ongoing Actions.

Pursuant to WAC 197-11-916, unless otherwise provided for herein, the provisions of Chapter 197-11 WAC shall apply to all elements of SEPA compliance, including modifying and supplementing an EIS, initiated after the effective date of the ordinance codified in this title.

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180 Responsibility as Consulted Agency.

Pursuant to WAC 197-11-912, all requests from other agencies that the City of Redmond consult on threshold investigations, the scope process, EISs or other environmental documents shall be submitted to the Technical Committee. The Technical Committee shall be responsible for coordination with affected City departments and for compiling and transmitting the City of Redmond's response to such requests for consultation.

190 Appeals.

The City of Redmond adopts WAC 197-11-680, with the following clarifications:

- (1) Any interested person may appeal a threshold determination, adequacy of a final EIS and the conditions or denials of a requested action made by a nonelected City official based on SEPA. No other SEPA appeals shall be allowed.
- (2) All appeals must be in writing and must be submitted on an appeal form approved by the SEPA responsible official. The appeal form must set forth:
 - (a) Facts demonstrating that the person is adversely affected by the decision;
 - (b) A concise statement identifying each alleged error of fact, law, or procedure which the appellant alleges justify overturning the decision
 - (c) The specific relief requested; and
 - (d) Any other information reasonably necessary to make a decision on the appeal.
- (3) All appeals and any applicable appeal fee must be received by the Redmond Development Services Center no later than 5:00 p.m. on the fourteenth day following the date the appeal period commences. The appeal period commences as follows:
 - (a) For a Determination of Non-Significance (DNS) with no comment period and for final EISs and decisions conditioning or denying an action based upon SEPA, the appeal period commences on the date the DNS, final EIS, or decision conditioning or denying the action is issued.
 - (b) For Mitigated Determinations of Non-Significance (MDNSs) and other threshold determinations with a comment period, the appeal period commences upon expiration of the comment period.

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- (c) For threshold determinations and final EISs that are issued at the same time as the decision on a project permit (See RCW 36.70B.110), the appeal period commences upon issuance of the notice of decision or after other notice has been given that the decision has been made and is available, provided, that if the appeal is from a DNS for which a public comment period is required, the appeal period shall be extended for an additional seven days.
- (4) Only one appeal of the determinations described in subsection (1) shall be allowed. Successive appeals of these determinations are not allowed.
- (5) Except as provided in WAC 197-11-680(3)(a)(vi) (e.g., determinations of significance), all appeals allowed under this section shall be consolidated with the open record public hearing or open record appeal hearing on the underlying action for which the substantive or procedural SEPA determination was made. All appeals shall follow the procedure for appealing the underlying action, provided, that the decision of the body conducting the hearing shall be the City's final determination on the SEPA appeal and no further administrative appeal shall be allowed, notwithstanding the availability of an additional administrative appeal on the underlying action.
- (6) Appeals of those determinations listed in WAC 197-11-680(3)(a)(vi) shall not be consolidated with the open record public hearing or open record appeal hearing on the underlying action. Such appeals shall proceed as follows:
 - (a) Appeal of a determination of significance (DS) shall be heard by the Hearing Examiner in an open record appeal hearing. The Hearing Examiner shall make an electronic record of the proceedings. All testimony shall be given under oath. The determination of the SEPA responsible official shall be given substantial weight. The Hearing Examiner shall make findings and conclusions which support his or her decision on the appeal. The Hearing Examiner's decision shall be the final decision of the City and there shall be no further administrative appeal.
 - (b) Appeals of
 - (i) SEPA procedural determinations made by the City when the City is a project proponent or is funding a project, and chooses to conduct its environmental review prior to submitting a project permit;
 - (ii) SEPA procedural determinations made by the City on a City nonproject action; and
 - (iii) Appeals of conditions or denials made by a non-elected City official based on SEPA;

shall be made to the Redmond City Council. The Council hereby delegates the responsibility to hold an open record hearing on such appeals to the Hearing

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Examiner. The open record appeal hearing shall be conducted in the same manner and be subject to the same rules as in 6(B) above, provided, that the Hearing Examiner shall make a recommendation to the City Council on the appeal and the final decision shall be made by the City Council.

- (2) Notice. Whenever there is a final action by the City Council for which compliance with SEPA is required and for which a statute or ordinance establishes a time limit for commencing judicial appeal, the City shall give official notice as required by WAC 197-11-680(5).

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